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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/520,476	09/15/2005	Claude Moufflet	15675P565	6533

8791 7590 07/03/2008  
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP  
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EXAMINER
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STERLING, AMY JO

ART UNIT	PAPER NUMBER
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3632

MAIL DATE	DELIVERY MODE
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07/03/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/520,476	<b>Applicant(s)</b> MOUFFLET, CLAUDE	
	<b>Examiner</b> AMY J. STERLING	<b>Art Unit</b> 3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/28/08</u> .   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

This is the **Final Office Action** for application number 10/520,476 DEVICE FOR FIXING AN OBJECT ON A VERTICAL ROD, filed on 9/15/05. Claims 1-19 are pending. This **Final Office Action** is in response to applicant's reply dated 4/28/08. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Applicant's amendment necessitated any new ground(s) of rejection presented in this Office action.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

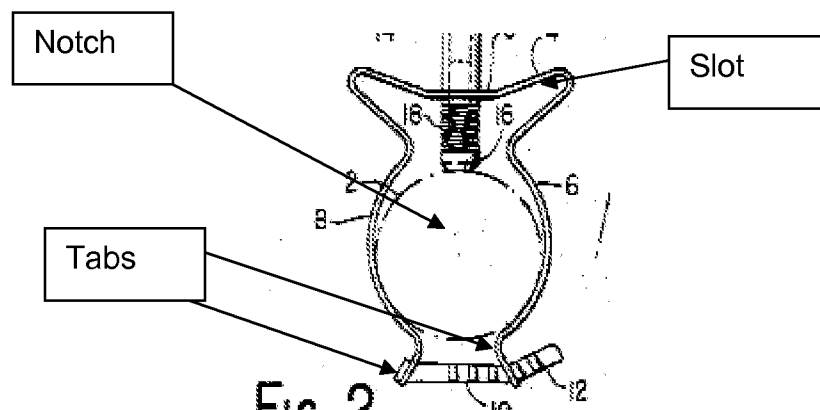
Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 10 recites the limitation "the notch". There is insufficient antecedent basis for this limitation in the claim because the notch has not been discussed with the second assembly part, only with the first assembly part.

***Claim Rejections - 35 USC § 102***

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 3809338 to Gross, Jr. et al.

The patent to Gross, Jr. et al. teaches a device having a first assembly part (6, 8) in which a notch (See Drawing Below) is formed, the first assembly part presenting two tabs (See below) formed projecting and defining between them an extension of the notch, the notch extending by a slot (See Below) on the side opposite to the tabs, the tabs and the portions of the assembly part that are situated on either side of the notch and the slot forming two branches suitable for being splayed apart elastically and placing on either side of the body in such a manner as to hold the first assembly part in place on the body by friction, with it being possible for the part to be slid manually in a longitudinal direction to a selected position along the body, and a second assembly part (10) suitable for being secured to the first assembly part with the branches being clamped against the body in such a manner as to lock the first assembly part in the selected position.



***Claim Rejections - 35 USC § 103***

Claims 2-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 3809338 to Gross, Jr. et al. and in view of United States Patent No. 5277391 to Haug et al.

Gross, Jr. et al. teaches all the components of the first fastener as shown above and including teaching a secondary support (3) for connecting the second fastener arrangement to a primary support in the form of a substantially horizontal top wall, the secondary support being fastened by screws (18) to the top of the first assembly part and presenting at its own top means/secondary support presenting means pierced by a hole for fastening to the primary support presenting co-operating shapes enabling the assembly part to be supported in stable manner by the support and at least one upwardly-open hole (near 34) for receiving a downwardly-directed toe formed on an article for fastening in which the hole passes downwards through the first arrangement, in which the first fastener arrangement presents two holes (near 12) that are symmetrical to each other about a vertical plane in common with the branches so as to receive respective toes formed on two articles for fastening on either side of the arrangement.

Gross, Jr. et al. does not teach an interchangeable second fastener and the details of the second fastener.

Haug et al. teaches an interchangeable second fastener including having a first assembly part (4) having two branches suitable for placing on either side of the body (1) in such a manner as to hold the first assembly part in place on the body by friction, and a second assembly part (10) suitable for being secured to the first assembly part with the branches being clamped onto the body in such a manner as lock the first assembly part in position and the second assembly part presses the body against the end of the a notch (108) defined by the two branches, the rod (1) presents an integrally formed head (See Figure 1) at its top end that is of section greater than that of the body and/or that is axially offset relative to the body, and that is suitable for pressing against the second fastener arrangement to enable the rod to be suspended freely therefrom, and wherein the first and second assembly parts present mutual guide elements (6) for guiding movement of the second part relative to the first, downwards parallel to the longitudinal direction of the body, to a final abutment position in which the clamping of the branches against the body is obtained, in which the first and second assembly parts present respective ramps (4, 4) which transform the downward movement into movement in which the branches move towards each other, and a notch (in between 6) formed in the second assembly part and by a plane surface of the first assembly part (54), and wherein which the second assembly part of the first fastener arrangement presents a hook (rounded end of 6) opposite from its first face for the purpose of supporting an article for fastening and presents two through vertical holes (through 7 and the bottom of the device) opposite from the first part for the purpose of fastening a lighting appliance.

This configuration used in order to be able to support a device in the desired manner. Therefore, it would have been obvious to one of ordinary skill in the art to have used the above configuration in order to support a device in the desired manner.

Although the references do not specifically teach that the device is made from plastic, it would be obvious to one of ordinary skill in the art to have made the device of any suitable material because the use of such has a predictable result. (See KSR v. Teleflex, 550 U.S., 127 S. Ct. 1727 (2007)).

### ***Response to Arguments***

The applicant's arguments are moot in view of the new grounds of rejection above.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 3632

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action. Any inquiry concerning this communication should be directed to Amy J. Sterling at telephone number 571-272-6823. The fax machine number for the Technology center is 571-273-8300 (formal amendments) or 571-273-6823 (informal communications only). Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist at 571-272-3600.

/Amy J. Sterling/  
Primary Examiner  
7/3/08